

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 22-10964 (MG)
)
) (Jointly Administered)
)

ORDER ADJOURNING THE MOTION OF SANTOS CACERES

On March 2, 2023, *pro se* creditor Santos Caceres (“Caceres”) filed a *Motion for an Order (I) allowing non-insider CEL token claim holders to join the Earn group for equitable treatment and have access to the same optionality of equity and liquid cryptocurrency at the Petition Date Price of \$0.81565, If Otherwise, (II) I Request the Debtors To Submit Evidence Supporting Inequitable Treatment of Unsecured Creditors in the Earn Group (III) Granting Related Relief.* (“Initial Motion,” ECF Doc. # 2169.) The Initial Motion did not provide notice that the Initial Motion would be considered at a hearing before this Court.

On March 10, 2023 Caceres filed an amended motion seeking the same relief. (*See* “Amended Motion,” ECF Doc. # 2208.) The Amended Motion likewise did not provide notice that the Amended Motion would be considered at a hearing before this Court.

On March 13², 2023, Caceres filed a document titled “*Amended Notice of Hearing on Santos Caceres’ Motion for Entry of an Order (i) To Dollarize Non-Insider Cel Token Claims at*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); and Celsius US Holding LLC (7956). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

² The Notice is dated March 11, 2023. Whether the Notice was filed on March 11, 2023 as the document itself states or March 13, 2023 as the docket reflects is irrelevant for the purpose of this Order.

the Petition Date Price of \$0.81565; if Otherwise, (ii) I Request the Debtors to Submit Evidence Supporting Inequitable Treatment of Unsecured Creditors in the Earn Group (iii) Granting Related Relief.” (“Initial Notice” ECF Doc. # 2215.) The Initial Notice states that the Initial Motion will be considered by this Court at the upcoming omnibus hearing on March 21, 2023 at 10:00 a.m. (the “March Omnibus Hearing.”) Although the Initial Notice represents that it is an amended notice of hearing, it is the first notice provided by Caceres.

On March 15, 2023, Caceres filed a second amended motion (“Second Amended Motion,” ECF Doc. # 2240) seeking the same relief, and an Amended Notice of Hearing. (“Amended Notice,” ECF Doc. # 2241.) The Amended Notice states that Caceres’s Amended Motion will be considered by this Court at the March Omnibus Hearing. (*See* Amended Notice at 1.) The Amended Notice also states that the deadline to object to the Second Amended Motion is March 18, 2023. (*Id.*)

For the reasons stated below, the hearing on the Second Amended motion is adjourned to May 17, 2023 at 10:00 a.m. EST.ⁱ

In accordance with Local Rule 9006-1(b) a party must file and serve notice of its request for relief and notice of a hearing on that matter (“Notice of Hearing”) at least 14 days before the hearing. *See* S.D.N.Y. R. BANKR. P. 9006-1(b). The Amended Case Management Procedures in this case reiterate this requirement. (*See* ECF Doc. # 1181 ¶¶ 18, 21.)

The Initial Motion was properly filed more than 14 days before the March Omnibus Hearing but lacked the required Notice of Hearing. The Amended Motion was filed less than 14 days before the March Omnibus Hearing and similarly lacked the proper Notice of Hearing. Both the Initial and Amended Notices were filed less than 14 days before the March Omnibus Hearing. Additionally, the Initial and Amended Notices cite Caceres’s motion at docket number

1630, which is incorrect. (*See, e.g.*, Amended Notice at 1–2 (“Please take notice that a hearing on . . . **D.R. 1630**, will be held on March 21st, 2023 at 10:00am”) (emphasis added).)

For the foregoing reasons, it is hereby ORDERED that the hearing on Second Amended Motion³ is adjourned to May 17, 2023 at 10:00 a.m. prevailing Eastern time (the “May Omnibus Hearing”) pending Caceres’s proper noticing of the hearing. To be clear, Caceres must file proper notice in accordance with the timelines set out in Local Rule 9006-1 and the Amended Case Management Procedures if he would like the Court to consider the Second Amended Motion at the May Omnibus Hearing.

IT IS SO ORDERED.

Dated: March 17, 2023
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge

ⁱ The Court shall provide a Zoom link to those persons who have made an eCourtAppearance by 4 PM the business day before the hearing. Any party appearing at, listening to, or observing the Hearing, must make an electronic appearance, an eCourtAppearance, by using the eCourtAppearance portal located on the Court's website, <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>, or by clicking the “eCourtAppearances” tab on Judge Glenn’s page of the Court’s website at, <https://www.nysb.uscourts.gov/content/chief-judge-martin-glenn>. After the deadline to make appearances passes, the Court will send Outlook invitations to those persons who made eCourtAppearances, using the email addresses submitted with those appearances.

³ For the avoidance of doubt, the motion to be heard on May 17, 2023 is docket number 2240.